

REMARKS

Claims 1-14 are pending in the present application. Claims 16 and 17 have been canceled as being directed to a non-elected invention. Applicants respectfully reserve the right to file a divisional application including non-elected claims 16 and 17.

Regarding the Examiner's reasons for the Restriction Requirement as offered on pages 2-3 of the Quayle Action, the Examiner has apparently asserted in the sentence bridging pages 2-3 that the search fields for claim 16 would now include prior art devices having a side wall structure including nitrogen, and prior art devices wherein the side wall structure is formed by CVD at a temperature exceeding 850°C. However, since the Examiner has already considered these search fields in view of the elected invention and previously examined claim 16, an update search of these search fields should not be an undue burden and should not now necessitate a Restriction Requirement. However, claims 16 and 17 have been canceled merely for the purpose expediting prosecution of this application.

Conclusion

In view of cancellation of claims 16 and 17, the present application should now be in condition for allowance. Favorable consideration and early allowance of the present application are earnestly solicited.

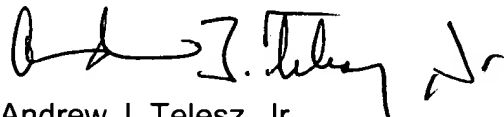
In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Andrew J. Telesz, Jr. (Reg. No. 33,581)

at (703) 715-0870 in the Washington, D.C. area, to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS, P.L.L.C.

A handwritten signature in black ink, appearing to read "A. J. Telesz, Jr.", with a stylized flourish at the end.

Andrew J. Telesz, Jr.
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AJT:dmc

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